UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,678	12/27/2001	Omry Paiss	P-4045-US	7044

			EXAMINER
49444	7590	01/23/2006	DYKE, KERRI M

PEARL COHEN ZEDEK LATZER, LLP
10 ROCKEFELLER PLAZA STREET
SUITE 1001
NEW YORK, NY 10020

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/026,678	PAISS, OMRY
	Examiner	Art Unit
	Kerri M. Dyke	2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 December 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see page 8 paragraph 5, filed 12/21/2005, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.

2.   Applicant's arguments, see page 9, filed 12/21/2005, with respect to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

3.   Applicant's arguments, see page 10 paragraph 2, filed 12/21/2005, with respect to claim 5 have been fully considered and are persuasive. The rejection of claim 5 has been withdrawn.

4.   Applicant's arguments with respect to claims 6-13 have been considered but are moot in view of the new ground(s) of rejection.

5.   Applicant's arguments, see page 11, filed 12/21/2005, with respect to the rejection(s) of claim(s) 1-5 and 14-20 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new reference Larsson. Larsson discloses a method for efficiently utilizing resources by deactivating inactive links. Because such a method is so often used today, the examiner incorrectly stated that alternating between the links would be inherent because the activation of the links would be alternating. However, based upon the teachings of Larsson in combination with Barak, it would have been obvious that the recording would be done by alternating between the links due the alternating activation taught by Larsson.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 6-8 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Barak

et al. (US 6,792,093).

3.   In regards to claim 6, Barak et al. discloses a wireless communication system comprising:

a server (figure 1 element 12) to record data packets comprising a media content of a first link

and a second link of a conversation by alternating between the first link to the second link and

storing recorded data packets at a storage medium (figure 1 element 22); and a remote station to

send a command to receive the recorded packets of the conversation (column 6 lines 1-3, figure

3, and column 6 lines 29-31). A system represents a combination of devices. An apparatus

claim does not give patentable weight to recited functionality, see MPEP § 2113. See also

Hewlett-Packard Co. v Bausch & Lomb, Inc. 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed.

Cir. 1990), where it is stated that "apparatus claims cover what a device *is* not what a device *does*

(emphasis in original)."

4.   In regards to claim 7, Barak et al. discloses the system of claim 6, wherein the server

comprises: a file generator to generate a file which includes a recorded media content of the first

link and the second link by alternating between a first media decoder to a second media decoder

and combining the decoded media from the first and second media decoders to the file; and a

secured storage location having a controlled accesses to store the file. Figure 1 element 22 is memory for storing the calls. Decoders are not shown, but must be included, because the data would be incomprehensible if it was not decoded. There must be at least two decoders so that the whole conversation can be stored properly even if both parties speak at the same time. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations. Each conversation is one file. The memory location is secure because the subscriber must login in order to access the files.

5.   In regards to claim 8, Barak et al. discloses the system of claim 7, wherein the secured storage location is a media mailbox. Column 6 lines 40-41 indicate that a call can be sent to an email inbox. The inbox is secure because the subscriber must enter a username and password to access the information. The inbox is a media mailbox because it can accept media inputs.

6.   In regards to claim 10, Barak et al. discloses the system of claim 6, wherein the remote station is a personal communication assistant (PCA). Column 3 line 53 and column 2 line 54 indicates that the remote station can be a mobile phone. A mobile phone is a PCA.

7.   In regards to claim 11, Barak et al. discloses an apparatus comprising: a media recorder to record data packets comprising a media content of a first link and a second link of a conversation by alternating between the links; a storage medium to store the data packets; and a first and a second media decoders to decode a recorded media. Figure 1 element 12 includes a recorder, element 18 and a storage medium, element 22. It is also inherent to have at least two decoders, one for each line, in case both parties speak at the same time. If the data is not decoded it would be incomprehensible and unusable. An apparatus claim does not give patentable weight to recited functionality, see MPEP § 2113. See also *Hewlett-Packard Co. v*

Bausch & Lomb, Inc. 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990), where it is

stated that "apparatus claims cover what a device *is* not what a device *does* (emphasis in

original)."

8.   In regards to claim 12, Barak et al. discloses the apparatus of claim 11, further

comprising: a file generator to generate a file by combining a decoded data of the recorded data

packets from the media decoders; and a secured storage location having a controlled accesses to

store the file. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of

conversations. Each conversation is one file. The memory location is secure because the

subscriber must login in order to access the files.

9.   In regards to claim 13, Barak et al. discloses the apparatus of claim 12, wherein the

secured storage location is a media mailbox. Column 6 lines 40-41 indicate that a call can be

sent to an email inbox. The inbox is secure because the subscriber must enter a username and

password to access the information. The inbox is a media mailbox because it can accept media

inputs.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   Claims 1-5 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barak et al. (US 6,792,093) in view of Larsson et al. (US 6,643,262).

12.   In regards to claim 1, Barak et al. discloses a method comprising: sending data packets of

a recorded conversation to a subscriber. In column 4 lines 62-64 indicate that the server begins

to record the conversation. Column 6 lines 29-31 indicate that the call can be retrieved via the

Internet, which inherently calls for the use of packets to send the conversation. In Column 1

lines 52-53 it is disclosed that the method is applicable for any phone, either landline or mobile,

i.e. wireless.

Barak does not disclose wherein a conversion recording is done by alternating between a

first link and a second link of a communication system to record a conversation.

Larsson discloses a method for deactivating inactive connections in column 4 lines 59-64.

Larsson further discloses that the link is reactivated upon detection of activity and that the

technique can be used with both analog and digital signaling in column 5 lines 4-14. In the

course of a normal conversation each link will alternate between activity and inactivity because

one person will be speak and the rest will be silent. It is very well known that conversations are

carried out in this manner and even during most arguments speakers still alternate because

talking over one another prevents either party from understanding the other. Larsson, therefore

suggests that the links of a conversation will alternate between activity and inactivity depending

upon who is speaking. Taken together with Barak there is a clear teaching that the recording of

the conversation will alternate between the links because the activity of the links will alternate.

It would have been obvious to one of ordinary skill in the art to modify Barak's

conversation recording method to include Larsson's method for deactivating inactive links

because doing so provides a more efficient use of resources, as disclosed by Larsson in column 3

lines 40-46.

13.   In regards to claim 2, Barak and Larsson disclose the method of claim 1, wherein the

conversation recording comprises: decoding a recorded media content of the recorded

conversation by alternating between a first media decoder to a second media decoder; and storing

data packets comprising the recorded media content of the recorded conversation in a storage

medium. Figure 1 element 22 is memory for storing the calls. Decoders are not shown, but must

be included, because the data would be incomprehensible if it was not decoded. There must be

at least two decoders so that the whole conversation can be stored properly even if both parties

speak at the same time.

14.   In regards to claim 3, Barak and Larsson disclose the method of claim 2, further

comprising: generating a file that includes the data packets comprising the recorded media

content of the recorded conversation; and storing the file at a secured location having a

controlled access. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of

conversations. Each conversation is one file. The memory location is secure because the

subscriber must login in order to access the files.

15.   In regards to claim 4, Barak and Larsson disclose the method of claim 3 further

comprising: receiving a command for sending the file via a global network to a computer.

Column 6 lines 29-31 indicate that files can be retrieved using the Internet.

16.   In regards to claim 5, Barak and Larsson disclose the method of claim 3 comprising:

receiving a command for sending the file to the remote station via the wireless communication

system; and generating the file by decoding the stored packets by alternating between the first

media decoder to the second media decoder and combining the decoded packets. It is disclosed

in column 6 lines 1-3 and Figure 3 that the conversations can be retrieved by phone. Column 1

line 54 indicates that the phone can be a mobile or wireless phone. See claims 2 and 3 for rejection of file creation by alternating between decoders.

17.   In regards to claim 14, Barak et al. discloses a method comprising: sending a command by a remote station to record at a server of a wireless communication system a conversation of the remote station with other remote stations; and storing at a storage medium of the server data packets comprising a media content of the conversation. Column 3 lines 66-67 and column 4 lines 1-21 disclose the method for sending a command to record to the server by the remote station. Figure 1 element 22 shows the storage element.

Barak does not disclose wherein a conversation recording is done by alternating between a first media recorder and a second media recorder.

Larsson discloses a method for deactivating inactive connections in column 4 lines 59-64. Larsson further discloses that the link is reactivated upon detection of activity and that the technique can be used with both analog and digital signaling in column 5 lines 4-14. In the course of a normal conversation each link will alternate between activity and inactivity because one person will be speak and the rest will be silent. It is very well known that conversations are carried out in this manner and even during most arguments speakers still alternate because talking over one another prevents either party from understanding the other. Larsson, therefore suggests that the links of a conversation will alternate between activity and inactivity depending upon who is speaking. Taken together with Barak there is a clear teaching that the recording of the conversation will alternate between the links because the activity of the links will alternate.

It would have been obvious to one of ordinary skill in the art to modify Barak's conversation recording method to include Larsson's method for deactivating inactive links

because doing so provides a more efficient use of resources, as disclosed by Larsson in column 3
lines 40-46.

18.   In regards to claim 15, Barak and Larsson disclose the method of claim 14, further

comprising: sending a command by the remote station to the server to play a recorded media

content of the conversation at the remote station', decoding at the server the recorded media

content by alternating between the first media decoder to the second media decoder; and

transmitting by a base station a modulated decoded media content of the conversation to a

commanding remote station. Column 6 lines 1-60 discuss the methods for retrieval from the

server to a remote station. When the remote station is a mobile phone the conversation will

inherently be routed through a base station. Also see the rejection of claims 2, 7, and 11.

19.   In regards to claim 16, Barak and Larsson disclose the method of claim 15, further

comprising: providing to a subscriber of a recording service a media mailbox to store the

recorded media content of the conversation; and retrieving by the remote station a recorded

conversation by accessing the media mailbox. Column 6 lines 1-27 describe the media mailbox

procedures. Each conversation is assigned a code to identify it as belonging to a specific

subscriber, as described in column 5 lines 8-11. The marked calls could be described as being

placed in the subscriber's media mailbox.

20.   In regards to claim 17, Barak et al. discloses an article comprising a storage medium

having stored thereon instructions, that, when executed by a computing platform, results in:

sending data packets of a recorded conversation from a first and a second remote stations to a

subscriber, and storing data packets comprising a media content of the recorded conversation at a

storage medium. Figure 1 elements 22 and 22a disclose the memory portion of the server. The

memory must contain instructions detailing what actions the server is to take in response to input

commands, otherwise the server would not have any functionality. Elements 22 and 22a are also

used to store the conversations, as disclosed in column 3 line 61. In column 4 lines 62-64

indicate that the server begins to record the conversation.

Barak does not disclose wherein a conversion recording is done by alternating between a

first link and a second link of a communication system to record a conversation.

Larsson discloses a method for deactivating inactive connections in column 4 lines 59-64.

Larsson further discloses that the link is reactivated upon detection of activity and that the

technique can be used with both analog and digital signaling in column 5 lines 4-14. In the

course of a normal conversation each link will alternate between activity and inactivity because

one person will be speak and the rest will be silent. It is very well known that conversations are

carried out in this manner and even during most arguments speakers still alternate because

talking over one another prevents either party from understanding the other. Larsson, therefore

suggests that the links of a conversation will alternate between activity and inactivity depending

upon who is speaking. Taken together with Barak there is a clear teaching that the recording of

the conversation will alternate between the links because the activity of the links will alternate.

It would have been obvious to one of ordinary skill in the art to modify Barak's

conversation recording method to include Larsson's method for deactivating inactive links

because doing so provides a more efficient use of resources, as disclosed by Larsson in column 3

lines 40-46.

21.   In regards to claim 18, Barak and Larsson disclose the article of claim 17, wherein the

instructions result in: decoding a recorded media content by alternating between a first media

decoder and to a second media decoder; and sending a decoded media content of the recorded

conversation to a subscriber which is an originator of the conversation recording. Decoders are

not shown, but must be included, because the data would be incomprehensible if it was not

decoded. There must be at least two decoders so that the whole conversation can be stored

properly even if both parties speak at the same time. Figure 3 illustrates the process by which a

subscriber accesses the recorded calls. Description of the process begins on line 1 of column 6.

22.   In regards to claim 19, Barak and Larsson disclose the article of claim 18, wherein the

instructions result in: generating a file which includes data packets comprising the recorded

media content of the conversation; and storing the file at a secured location having a controlled

access. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations.

Each conversation is one file. The memory location is secure because the subscriber must login

in order to access the files.

23.   In regards to claim 20, Barak and Larsson disclose the article of claim 19, wherein the

instructions result in: receiving a command for sending the file via a global network to a

computer; and storing the data packets comprising the recorded media content of the

conversation at a storage medium. Figure 1 elements 22 and 22a are memory for storage of the

conversations. Column 6 lines 29-31 indicate that files can be retrieved using the Internet. It is

also inherent that the packets will be stored, at the very least in temporary storage, once they

arrive at the destination that requested the file over the global network.

24.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barak et al. (US

6,792, 093) in view of Liu et al. (US 6,434,139).

25.   In regards to claim 9, Barak et al. discloses the system of claim 8 further comprising:

using the wireless communication system to connect to a global network; and a computer

operably coupled to the global network to play the file via the global network by alternating

between the first media decoder to the second media decoder. Column 6 lines 29-31 disclose the

use of a computer connected to a global network in order to play the file. Barak et al. does not

disclose using a gateway for the wireless system.

        Liu et al. discloses a wireless gateway in column 1 line 54.

26.   It would have been obvious to one of ordinary skill in the art to use the wireless gateway

taught by Liu et al. to connect the wireless system to the global network as taught by Barak et al.

because it is desirable to use both wired and wireless networks and technology as taught by Liu

et al. in column 1 lines 52-54.
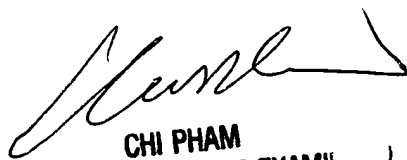
Conclusion

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The

examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd

CHI PHAM
SUPERVISORY PATENT EXAMINER